

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VINCE MANN,

Petitioner,

v.

CATHERINE S. BAUMAN,

Respondent.

CASE NO. 2:11-CV-13295
JUDGE GEORGE CARAM STEEH
MAGISTRATE JUDGE PAUL J. KOMIVES

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL (docket
#15) AND SETTING DEADLINE FOR REPLY BRIEF

This matter is before the Court on petitioner's May 30, 2014, motion for appointment of counsel. There is no constitutional right to counsel in habeas proceedings. *See Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002). Appointment of counsel in a habeas proceeding is generally appropriate only if an evidentiary hearing is required or exceptional circumstances deprive the petitioner of the means to adequately investigate, prepare, or present a colorable claim. *See Lemeshko v. Wrona*, 325 F. Supp. 2d 778, 787 (E.D. Mich. 2004). Upon initial review of the petition, it does not appear that counsel is necessary for petitioner to adequately present his claims. A petition and amended petition have already been filed that fully address plaintiff's claims. Accordingly, it is ORDERED that petitioner's motion is hereby denied, without prejudice to the Court appointing counsel should it later appear that counsel is necessary. It is further ORDERED that petitioner may file a reply to respondent's answer no later than **October 18, 2014**.

The attention of the parties is drawn to FED. R. CIV. P. 72(a), which provides a period of fourteen days from the date of this Order within which to file any objections for consideration by

the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

Dated: September 09, 2014

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 10, 2014, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Paul J. Komives